

REMARKS

Claims 1-13 are pending.

The withdrawal of the rejections of claims 1, 7, and 13 under 35 U.S.C. § 112, second paragraph, for indefiniteness and the objections to claims 2-6 and 8-12 is acknowledged.

Claims 1-13 remain rejected under 35 U.S.C. § 102(b) for anticipation by U.S. Patent No. 6,072,248 to Muise et al. ("Muise"). These rejections should be reconsidered and withdrawn because Muise does not disclose all of the features of the claims, or even all of the features that the Action asserts Muise discloses.

Claim 1 defines a method of controlling a vehicle, comprising the steps of: reducing a speed of the vehicle in response to a vehicle shutdown signal, monitoring at least one of a speed of the vehicle and a torque of an engine of the vehicle, determining whether the monitored at least one of the speed and torque is decreasing, if the monitored at least one of the speed and torque is not decreasing, enabling the engine of the vehicle to operate at a reduced power level, and stopping the vehicle when the monitored at least one of the speed and torque has reached a predetermined level.

Claim 7 defines a control system for a vehicle, comprising a processor that reduces a speed of the vehicle in response to a vehicle shutdown signal, wherein the processor monitors at least one of a speed of the vehicle and a torque of an engine of the vehicle; the processor determines whether the monitored at least one of the speed and torque is decreasing; if the monitored at least one of the speed and torque is not decreasing, the processor enables the engine of the vehicle to operate at a reduced power level; and the processor causes the vehicle to stop the vehicle when the monitored at least one of the speed and torque has reached a predetermined level.

Claim 13 defines a computer-readable medium, and is similar to claim 1 in some other respects for purposes of this Request for Reconsideration.

Muise discloses a method and system that enables police vehicles in pursuit of other vehicles to stop the engines of those other vehicles. See, e.g., col. 3, ll. 38-59.

First, Muise does not disclose monitoring a vehicle's speed. (It is assumed that the Action admits that Muise does not disclose monitoring a vehicle's engine's torque.) The Action finds monitoring the vehicle speed in Muise's FIG. 4C and col. 4, ll. 25-35, but those portions of Muise describe merely a transmitter's sending a shutdown signal to a vehicle to order a shutdown procedure. The Action's remarkable assertion that Muise discloses speed monitoring by a police officer or some device in the police cruiser is not the same thing as a disclosure in Muise of such monitoring. It is indisputable that a transmitter cannot monitor anything, and transmitting a shutdown signal has nothing to do with the claimed monitoring step. Thus, Muise cannot anticipate claim 1. If the Examiner maintains that Muise discloses speed monitoring, he is requested to point out even one specific portion of Muise that explicitly discloses speed monitoring.

With respect to apparatus claim 7, the Action's remarkable assertion is also not the same thing as a disclosure in Muise of a processor that performs such monitoring. (It has been assumed that the Examiner would not seriously contend that a human police officer is a processor as claimed.) A clear disclosure is necessary to support a rejection under Section 102(b). Thus, Muise cannot anticipate claim 7.

With respect to claim 13, which defines a computer-readable medium, Muise says nothing about such a medium, let alone a medium having a computer program that performs a step of speed/torque monitoring, and thus Muise cannot anticipate claim 13.

Furthermore, Muise does not disclose determining whether a monitored speed or torque is decreasing and enabling an engine of a vehicle to operate at a reduced power level if a monitored speed or torque is not decreasing. Quite the contrary, Muise's shutdown procedure pays no attention at all to speed or torque. Once Muise's process starts by transmission of the shutdown signal, it continues for "a predetermined amount of time" to its end, which is full engine shutdown. See, e.g., col. 3, ll. 48-54; col. 4, 20-23, 53-57. Although Muise may have an engine operate at reduced power for a predetermined period of time, this is not the same as enabling an engine to operate at reduced power if speed/torque is not decreasing and is not the same as determining whether speed or torque is decreasing. Thus Muise cannot anticipate claim 1. Any argument to the contrary would require ignoring words in the claim.

With respect to apparatus claim 7, Muise's engine shuts down after lapse of a predetermined period of time, and so Muise does not disclose (1) a processor that also determines whether the monitored at least one of the speed and torque is decreasing and (2) a processor that also enables the engine of the vehicle to operate at a reduced power level. Thus, Muise cannot anticipate claim 7. If the Examiner continues to contend that there is a processor in the police cruiser that monitors the speed of the pursued vehicle, the Examiner is invited to identify that processor with specificity and how it either determines whether the monitored at least one of the speed and torque is decreasing or enables the engine of the pursued vehicle to operate at a reduced power level.

Again with respect to claim 13, which defines a computer-readable medium, Muise says nothing about such a medium, let alone a medium having a computer program that performs steps of determining whether speed/torque is decreasing and enabling the engine of the vehicle to operate at a reduced power level. Thus, Muise cannot anticipate claim 13.

It is noted that the Action's logic interpreting the claims may be incorrect in that the method does not just end if the logic answer in the fourth step is FALSE, that is to say, if the vehicle speed and/or torque is decreasing. The claims are reasonably clear to those of ordinary skill in this art that if the speed/torque is not not decreasing, the vehicle stops when the speed/torque reaches a predetermined level.

Finally, Muise does not disclose stopping when a monitored speed/torque has reached a predetermined level. As noted above, Muise's shutdown procedure pays no attention at all to speed or torque; instead, once Muise's process starts, it continues for a predetermined time to full engine shutdown. Lapse of time is clearly not the same as a level of speed/torque, and thus Muise cannot anticipate claim 1.

With respect to apparatus claim 7, Muise's engine shuts down after lapse of a predetermined period of time, and so Muise does not disclose a processor that also causes the vehicle to stop when the monitored speed/torque reaches a predetermined level. Thus, Muise cannot anticipate claim 7.

Again with respect to the computer-readable medium of claim 13, Muise says nothing about such a medium, let alone a medium having a computer program that

performs step of stopping the vehicle when monitored speed/torque has reached a predetermined level. Thus, Muise cannot anticipate claim 13.

Because Muise fails to disclose every element recited in the independent claims, Muise does not anticipate those claims, and accordingly, it is respectfully requested that their rejection for anticipation be reconsidered and withdrawn. In view of these differences, it is unnecessary to point out the additional features required by each of the pending dependent claims that are also not disclosed by Muise and that support each dependent claim's respective patentability over Muise. Therefore, it is also respectfully requested that the rejections of claims 2-6 and 8-12 be reconsidered and withdrawn.

It is believed that this application is in condition for allowance, and an early Notice of same is respectfully solicited. If the Examiner has any questions, the undersigned attorney may be telephoned at the number given below.

Respectfully submitted,

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